

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JANET GODINEZ, on behalf of herself and  
as administrator to the estate of her brother,  
HERIBERTO GODINEZ, Deceased,

Plaintiff,

VS.

The CITY OF CHICAGO, et al.,

Defendants.

16 CV 7344

Judge Mary M. Rowland

**PLAINTIFF'S MOTION TO APPROVE SETTLEMENT OF WRONGFUL DEATH  
CAUSE OF ACTION AND TO APPROVE DISTRIBUTION OF FUNDS**

Plaintiff, Janet Godinez, Independent Administrator of the Estate of HERIBERTO GODINEZ, deceased, by and through her attorneys, moves this Court for leave to approve the settlement in this cause of action and the distribution of settlement funds.

1. Plaintiff is a citizen and resident of the City of Chicago, the brother of the decedent, and is the duly appointed Independent Administer of the Estate of Heriberto Godinez, deceased, having been so appointed by Cook County Probate Division under probate case number 2015 P 7413.

2. This Court having reviewed summary judgment motions is familiar with the facts of the claims brought in this matter against the Defendants and Plaintiff's allegations against the Defendants, including her allegation of wrongful death of the decedent on July 20, 2015.

3. The parties have engaged in extensive discovery in this matter spanning over three years, including litigating cross-motions for summary judgment.

4. After considering the risks and costs associated with trial, and further considering the advice and recommendation of counsel, and following a settlement conference before Magistrate Judge

Cummings, Plaintiff has agreed to settle her claims against all Defendants for a sum certain, inclusive of all fees and costs. (See Release and Settlement Agreement, Attached as **Exhibit A**<sup>1</sup>) Taking into account all of the foregoing considerations, the Plaintiff is informed and believes that the settlement is fair and reasonable under the circumstances, and is in the best interest of the heirs and beneficiaries and the estate of the decedent, Heriberto Godinez.

5. At the time of his death, HERIBERTO GODINEZ, left surviving him as his heirs the following: Heriberto Godinez, Sr. (father); Ofelia Godinez (mother); Janet Godinez (sister); Crystal Godinez (sister); and Juan Godinez (brother). All heirs and beneficiaries have reached the age of majority and are legally competent. (See Probate Order Declaring Heirship, Attached as **Exhibit B**.)

6. Plaintiff requests that the dependency be found in equal percentage of 20% (or 1/5 share) for each of the five heirs and beneficiaries, as per the attached affidavits of agreement of all heirs attached hereto as **Exhibit C**.

7. The Plaintiff proposes to distribute the settlement proceeds in keeping with the accounting of funds attached as **Exhibit D**.

8. A Proposed Order for Approval has been submitted to this Court's Proposed Order Inbox.

WHEREFORE, Plaintiff, Janet Godinez, respectfully requests for entry of an Order approving the settlement of this cause as fair and reasonable, approving attorney's fees and litigation expenses incurred, equal dependency, and approving the distribution of the settlement proceeds in this cause in keeping with the accounting of funds Exhibit D.

Respectfully submitted  
/s/Joshua L. Morrison  
One of Plaintiff's Attorneys

Joshua L. Morrison  
Jeffrey B. Granich  
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<sup>1</sup> Exhibit A will be provided to this Court in-camera with a copy of this motion.

Chicago, Illinois 60604  
(312) 939-9669

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the above and foregoing PLAINTIFF'S MOTION TO APPROVE SETTLEMENT OF WRONGFUL DEATH CAUSE OF ACTION AND TO APPROVE DISTRIBUTION OF FUNDS to be served to the persons below by the Court's ECF system, on this 4th day of March 2020.

/s/ Joshua L. Morrison